



RCE frw
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PATENT
ATTORNEY DOCKET NO.: 056427-5004-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
F. BEERWERTH *et al.*) Confirmation No.: 4185
Application No.: 10/617,708) Group Art Unit: 2859
Filed: July 14, 2003) Examiner: G. Verbitsky
For: Protective Cap For Infrared Radiation)
Thermometer)

Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, MAIL STOP RCE
Alexandria, VA 22314

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

1. Submission required under 37 C.F.R. § 1.114

[] Previously submitted:

[X] Please enter/consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on August 12, 2005. (Any unentered amendment(s) referred to above will be entered).

[] Please consider the arguments in the Appeal Brief or Reply Brief previously filed on _____.

[] Other _____.

[] Enclosed:

[] Amendment/Reply

[] Affidavit(s)/Declaration(s)

[] Information Disclosure Statement with PTO Form 1449 and _____ cited references

[] Other

09/26/2005 HALI11 00000105 500310 10617708

01 FC:1253 570.00 DA

09/26/2005 HALI11 00000105 500310 10617708

02 FC:1801 790.00 DA

2. Miscellaneous

Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
 Other _____.

3. Fees Calculation

(a) RCE Fee required under 37 C.F.R. § 1.17(e)

\$790.00

\$395.00 (for small entity)

(b) Extension of Time

Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total Months <u>Requested</u>	Fee for <u>Extension</u>	[Fee for <u>Small Entity</u>]
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 430.00	\$215.00
<input checked="" type="checkbox"/> three months	\$ 990.00	\$490.00
<input type="checkbox"/> four months	\$1,530.00	\$765.00

If an additional extension of time is required, please consider this a Petition therefore.

An extension for 2 months has already been secured and the fee paid therefore of \$450.00 is deducted from the total fee due for the total months of extension now requested.

Extension of time fee due with this request: \$ 570.00

(c) Suspension of Action under 37 C.F.R. § 1.103(c)

A fee of _____ as set out in 37 C.F.R. § 1.17(i).

(d.) Excess Claim Fee (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	17	minus	20	0	x \$18 each=	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	3	minus	3	0	x \$88 each=	+ \$0.00
[] First presentation of Multiple dependent claim(s)					\$300.00	+ \$
SUB-TOTAL =						\$
Reduction by ½ for filing by a small entity						- \$
TOTAL FEE =						\$0.00

The total fee for this submission: \$1,360.00

4. Fee Payment

[] Check in the amount of \$ _____ filing fee is enclosed.

The Director is hereby authorized to charge \$1,360.00 (\$790.00 RCE filing fee and \$570.00 for the balance of three-month extension of time fee) to our Deposit Account No. 50-0310.

5. Additional papers enclosed:

[] Preliminary Amendment

[] Declaration of Biological Deposit

[] Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

6. Constructive Petition

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: September 22, 2005

By:



James L. Reed
Reg. No. 43,877

CUSTOMER NO. 009629

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